

1 BAKER BOTTS L.L.P.  
2 Jon V. Swenson (SBN 233054)  
3 1001 Page Mill Road  
4 Building One, Suite 200  
5 Palo Alto, CA 94304-1007  
6 Telephone: (650) 739-7500  
7 Facsimile: (650) 739-7699  
8 Email: jon.swenson@bakerbotts.com

9 BAKER BOTTS L.L.P.  
10 John M. Taladay (*pro hac vice*)  
11 Joseph Ostoyich (*pro hac vice*)  
12 Erik T. Koons (*pro hac vice*)  
13 Charles M. Malaise (*pro hac vice*)  
14 1299 Pennsylvania Avenue, N.W.  
15 Washington, D.C. 20004-2400  
16 Telephone: (202) 639-7700  
17 Facsimile: (202) 639-7890  
18 Email: john.taladay@bakerbotts.com  
19 Email: joseph.ostoyich@bakerbotts.com  
20 Email: erik.koons@bakerbotts.com  
21 Email: charles.malaise@bakerbotts.com

22 *Attorneys for Defendant Koninklijke Philips Electronics N.V., and*  
23 *Philips Electronics North America Corporation*

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

1 In re: CATHODE RAY TUBE (CRT)  
2 ANTITRUST LITIGATION

Case No. 07-5944 SC  
MDL No. 1917

3 This Document Relates to:

4 Case No. C 11-6397 SC

5 COSTCO WHOLESALE CORPORATION,

6 Plaintiff,

7 v.

8 HITACHI, LTD., et al.,

9 Defendants,

10 **STIPULATION AND ~~PROPOSED~~**  
11 **ORDER REGARDING BRIEFING**  
12 **SCHEDULE FOR THE PHILIPS**  
13 **DEFENDANTS' MOTION, IN THE**  
14 **ALTERNATIVE TO DISMISSAL, TO**  
15 **COMPEL ARBITRATION**

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STIPULATION AND ~~PROPOSED~~ ORDER REGARDING BRIEFING SCHEDULE FOR THE  
PHILIPS DEFENDANTS' MOTION, IN THE ALTERNATIVE TO DISMISSAL,  
TO COMPEL ARBITRATION

MDL 1917

1 WHEREAS, Costco Wholesale Corporation ("Costco") filed a Complaint and Jury Demand  
2 on November 14, 2011 in the United States District Court for the Western District of Washington  
3 against Defendants Koninklijke Philips Electronics N.V. and Philips Electronics North America  
4 Corporation (collectively the "Philips Defendants"), among others;

5 WHEREAS, on August 17, 2012, the Philips Defendants filed a motion to dismiss claims  
6 asserted by the Direct Action Plaintiffs ("DAPs"), including Costco, against the Philips Defendants  
7 on the basis that the claims were barred by the statute of limitations;

8 WHEREAS, on May 2, 2013, Special Master Legge issued a Report and Recommendation  
9 recommending that, among other things, the Court grant the Philips Defendants' motion and dismiss  
10 the DAP claims against them without leave to amend;

11 WHEREAS, the Philips Defendants intend to move the Court to adopt Special Master  
12 Legge's Report and Recommendation as to the Philips Defendants' motion which, if granted, would  
13 dismiss the DAP claims against the Philips Defendants, including the claims asserted by Costco;

14 WHEREAS, the DAPs, including Costco, intend to file objections to portions of Special  
15 Master Legge's Report and Recommendation, including the portion recommending that the Court  
16 grant the Philips Defendants' motion and dismiss the DAP claims without leave to amend;

17 WHEREAS, on May 9, 2013, the Philips Defendants filed a Notice of Motion and Motion, in  
18 the Alternative to Dismissal, to Compel Arbitration of Costco's claims against the Philips  
19 Defendants (the "Motion to Compel");

20 WHEREAS, the Philips Defendants and Costco believe that the briefing schedule regarding  
21 the various motions to adopt or reject Special Master Legge's Report and Recommendations and the  
22 Court's resolution of those motions may take some months to resolve;

23 WHEREAS, the Court's decision to adopt or reject Special Master Legge's Report and  
24 Recommendation may determine whether Costco may pursue its claims against the Philips  
25 Defendants;

1 WHEREAS, in the interests of efficiency and preserving the resources of the Court and the  
2 stipulating parties, the Philips Defendants and Costco submit that any further briefing regarding the  
3 Philips Defendants' Motion to Compel should occur after the Court enters an Order adopting and / or  
4 rejecting the various recommendations in Special Master Legge's Report and Recommendation; and

5 WHEREAS, counsel for the Philips Defendants and counsel for Costco have met and  
6 conferred and have agreed upon a mutually acceptable briefing schedule relating to the Philips  
7 Defendants' Motion to Compel;

8 IT IS HEREBY STIPULATED AND AGREED by and between the Philips Defendants and  
9 Costco that, should it remain necessary after the Court enters an Order resolving the motions to  
10 adopt and reject the Report and Recommendation:

11 1. Costco shall submit its Opposition ("Opposition") to the Philips Defendants' Motion to  
12 Compel within thirty (30) days after the Court enters such an Order;

13 2. The Philips Defendants shall file their Reply Brief ("Reply") in support of their Motion to  
14 Compel within twenty one (21) days after Costco files its Opposition; and

15 3. The Philips Defendants' Motion to Compel shall be heard twenty one (21) days after the  
16 Philips Defendants file their Reply or at such time as the Court deems appropriate.

17  
18  
19 Dated: May 21, 2013

20 Respectfully submitted,

21  
22  
23 By: /s/ Jon V. Swenson  
24 Jon V. Swenson (SBN 233054)  
25 1001 Page Mill Road  
26 Building One, Suite 200  
27 Palo Alto, CA 94304  
28 Telephone: (650) 739-7500  
Facsimile: (650) 739-7699  
Email: jon.swenson@bakerbotts.com

John M. Taladay (*pro hac vice*)  
Joseph Ostoyich (*pro hac vice*)  
Erik T. Koons (*pro hac vice*)  
Charles M. Malaise (*pro hac vice*)  
**BAKER BOTTS L.L.P.**  
1299 Pennsylvania Ave., N.W.  
Washington, DC 20004-2400  
Telephone: (202) 639-7700  
Facsimile: (202) 639-7890  
Email: john.taladay@bakerbotts.com  
Email: joseph.ostoyich@bakerbotts.com  
Email: erik.koons@bakerbotts.com  
Email: charles.malaise@bakerbotts.com

*Attorneys for Defendants Koninklijke  
Philips Electronics N.V. and Philips  
Electronics North America Corporation*

By: /s/ David J. Burman  
David J. Burman (admitted pro hac vice)  
Cori G. Moore (admitted pro hac vice)  
Nick Hesterberg (admitted pro hac vice)  
Eric J. Weiss (admitted pro hac vice)  
PERKINS COIE LLP  
1201 Third Avenue, Suite 4900  
Seattle, WA 98101-3099  
Telephone: 206.359.8000  
Facsimile: 206.359.9000

Joren Bass, Bar No. 208143  
JBass@perkinscoie.com  
PERKINS COIE LLP  
Four Embarcadero Center, Suite 2400  
San Francisco, CA 94111-4131  
Telephone: 415.344.7120  
Facsimile: 415.344.7320

*Attorneys for Costco Wholesale  
Corporation*


**ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

I, Erik T. Koons, attest that concurrence in the filing of this document has been obtained from all signatories. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 21st day of May, 2013, at Washington, DC.

/s/ Erik T. Koons  
Erik T. Koons


1 IT IS SO RECOMMENDED.

2  
3 DATED: May 29, 2013

  
Hon. Charles A. Legge  
United States District Judge (Ret.)  
Special Master

4  
5  
6 IT IS SO ORDERED, BASED UPON THE RECOMMENDATION OF THE SPECIAL MASTER.

7  
8 DATED: May 29, 2013

  
Hon. Samuel A. Conti  
United States District Judge

**CERTIFICATE OF SERVICE**

On May 21, 2013, I caused a copy of "STIPULATION AND [PROPOSED] ORDER RE: BRIEFING SCHEDULE FOR PHILIPS DEFENDANTS' MOTION, IN THE ALTERNATIVE TO DISMISSAL, TO COMPEL ARBITRATION " to be electronically filed via the Court's Electronic Case Filing System, which constitutes service in this action pursuant to the Court's order of September 29, 2008.

/s/ Jon V. Swenson  
Jon Swenson